REMARKS

Applicant thanks the Examiner for the second complete examination of the instant application. Claims 1-12, 14-22 and 24-25 are currently pending in the instant application. Claims 2, 3, 14, 16, 17 and 24 have been amended, and claims 1 and 16 are independent. Claims 13 and 23 have been canceled without prejudice or disclaimer the subject matter contained therein. Reconsideration of this application, as amended, is respectfully requested.

CLAIM REJECTION UNDER 35 U.S.C. § 103(a)

Claims 1-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sporre, (U.S. Patent No. 5,966,657) in view of Wallstedt et al., (U.S. Patent No. 5,854,981). This rejection is respectfully traversed.

Applicant respectfully submits that the Examiner has failed to present a proper *prima facie* case of obviousness. The Examiner is respectfully reminded, in determining the propriety of the patent office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the references before him to make the proposed substitution, combination or other modification. *In re Lintner*, 173 USPQ 560, 562 (CCPA 1972). In the case of the current combination of Sporre in view of Wallstedt et al., Applicant respectfully submits that the teachings threrof are wholly insufficient to support a proper obviousness rejection; moreover, Applicant respectfully submits that there is no suggestion or motivation, found in either of the patent documents relied upon by the Examiner, or within the knowledge of one of ordinary skill in the art, that would motivate a skilled artisan to combine the patent documents relied upon by the Examiner.

As the Examiner is well aware, each of independent claims 1 and 16 sets forth "...sending a measurement request from a first base station to at least a second base station, said measurement request requesting said second base station to instruct mobile terminals in communication with said second base station to make operation measurements of at least the one signal transmitted by said first base station." Simply put, neither of the patent documents relied upon by the Examiner teach or suggest this limitation of the independent claims. Therefore, for at least this limitation, both the independent claims are allowable over the patent documents relied upon by the Examiner.

Turning now to the Sporre patent document, taught therein is a method and system for radio frequency measurement and automatic frequency planning in a cellular radio system. As is disclosed by Sporre, and is well known in current cellular systems, when a new connection is established through a mobile station by a base station, the base station orders that mobile station to make periodic signal quality measurements on the down-link BCCH channels of the base stations serving the cells which are neighbors to the one in which the mobile is located (Column 7, lines 60-66). This type of activity typically occurs in order to assist the current serving base station in making a proper decision as to which neighboring base station should accept a handoff when such is necessary. In other words, as the mobile station reaches a certain distance from the serving base station, the serving base station must make a decision as to which base station will carry out further service for the mobile station. This decision is based upon the mobile station's measurements of surrounding base stations.

Sporre fails to suggest the novel idea of "sending a measurement request from a first base station to at least a second base station, said measurement request requesting said second base

station to instruct mobile terminals in communication with said second base station to make operation measurements of at least one signal transmitted by said first base station."

As indicated hereinabove, in order to attempt to make up for this deficiency in Sporre, the Examiner has relied upon a patent document to Wallstedt et al. Applicant has carefully analyzed Wallstedt et al. in order to discern the teachings therein. However, even after exhaustive analysis of the Wallstedt et al. patent document, Applicant respectfully submits that the disclosure therein fails to make up for the deficiencies of the Sporre patent document.

Turning now to the Wallstedt et al. patent document, taught therein is a method for modifying an adaptive channel allocation (ACA) measurement process to include digital control channel (DCCH) information of specific neighboring cells. This ACA and DCCH information is communicated to a mobile station by way of an MSC via a base station. In turn, the mobile station measures the interference level (signal strength) on the downlink of each channel in the measurement list during an MAHO measurement process. Thereafter, the mobile station transmits the measurement results to the MSC via the base station controlling the cell. This completes the steps required in the measurement process.

Unlike the instant claimed invention, Wallstedt et al. fails to teach or suggest "sending a measurement request from a first base station to at least a second base station, said measurement request requesting said second base station to instruct mobile terminals in communication with said second base station to make operation measurements of at least one signal transmitted by said first base station." Instead, the patent Wallstedt et al. requires the use of an additional processing unit (e.g., an MSC). Therefore Sporre in view of Wallstedt et al. fails to teach or suggest the novel limitations of the rejected independent claims.

In accordance with the above, Applicant respectfully submits independent claims 1 and 16 are allowable over the patent documents relied upon by the Examiner, either in combination, together, or standing alone.

With regard to the dependant claims, Applicant respectfully submits that these claims are allowable due to the dependence upon an allowable independent claim, as well as additional limitations set form in these claims.

Therefore, Applicant respectfully requests reconsideration and withdrawal of the claim rejection under 35 U.S.C.§ 103(a).

CONCLUSION

In view of the foregoing, Applicant submits that the claims of the instant Application are patentable over the relied upon Patent documents, and that the Application as a whole is in condition for allowance. Early and favorable notice to that effect is respectfully solicited.

In the event that any matters remain at issue in the application, the Examiner is invited to contact Timothy R. Wyckoff (Reg. No. 46,175) at (703) 390-3030 in the Northern Virginia area, for the purpose of a telephonic interview.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 12-2325 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Harness, Dickey & Pierce, P.L.C.

By _____

Timothy R. Wyckoff
Reg. No. 46,175

P.O. Box 8910
Reston, VA 20195
(703) 390-3030

TRW/kmh

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

On page 2, please replace the second paragraph ,lines 15-18, with the following rewritten paragraph:

--Another conventional technique for making downlink operational measurements is referred to as drive testing. In drive testing, one or more test [receivers are] receiver is deployed at known measurement locations within the coverage areas of a base station, and operational measurements are made of downlink signals from that base station.--

On page 5, please replace the second paragraph containing lines 8-16, with the following rewritten paragraph:

--The measurement request may be entered by an operator at the user interface of either the base station of interest or the MCU 202. Alternatively, generating the measurement request or a portion thereof may be automated. For example, the operational measurements and identified base stations could be predetermined for a particular attribute of system performance. Accordingly, the measurement request is generated automatically by simply requesting the data for the attribute of system performance, a base station of interest and a sector of interest if the cell sites include a multi-sector antenna system. Numerous other modifications and alternatives for generating the measurement request will be readily apparent from the [forgoing] foregoing and following disclosure.--

On page 6, please replace the second paragraph, lines 14-18, with the following rewritten paragraph:

--Because the process of making downlink operational measurements at a mobile terminal is well-known, this [process] will not be described. The mobile terminals making the

operational measurements send the results of those measurements to their respective identified base stations in step S30. The identified base stations then send, in step S35, the received results to the MCU 202.--

In the Claims

Please amend the claims as follows:

1. (Amended) A method of making operational measurements in a wireless communication system, comprising:

a) sending a measurement request from [one of a main controller and] a first base station to at least a second base station, said measurement request requesting said second base station to instruct mobile terminals in communication with said second base station to make operation measurements of at least one signal transmitted by said first base station;

b) transmitting a measurement instruction from said second base station to said mobile terminals in communication with said second base station in response to said measurement request, said measurement instruction instructing said mobile terminals in communication with said second first base station to make operational measurements of said signal transmitted first base station; and

c) receiving results of said operational measurements at said second base station from said mobile terminals in communication with said second base station.

2. (Amended) The method of claim 1, further comprising:

d) sending said received results to [said] a main controller.

3.(Amended) The method of claim 1, further comprising:

d) processing said received results; and

e) sending said processed received results to [said] a main controller.

14. (Amended) The method of claim 1, wherein

said step a) sends a measurement request from said first base station to said second base station via [said] a main controller, said measurement request instructing said main controller to send said measurement request to said second base station.

16. (Amended) A method of making operational measurements in a wireless communication system, comprising:

a) sending a measurement request from [one of a main controller and] a first base station to at least a second base station, said measurement request requesting said second base station to make operation measurements of at least one signal transmitted by said first base station; and

b) making said operational measurements at said second base station.

17. (Amended) The method of claim 16, further comprising:

c) sending said received results to [said] a main controller.

24. (Amended) The method of claim 16, wherein

said step a) sends said measurement request from said first base station to said second base station via [said] a main controller, said measurement request instructing said main controller to send said measurement request to said second base station.

Claims 13 and 23 are canceled.